

SECTION 3.0 CONSISTENCY WITH ADOPTED PLANS

In conformance with CEQA Guidelines Section 15125(d), the following section discusses any inconsistencies between the proposed project and applicable general plans and regional plans.

3.1 SAN JOSÉ 2020 GENERAL PLAN

The *San José 2020 General Plan* (the "General Plan") is the document that contains the City's official policies regarding the future character and quality of development in San José. The General Plan includes major strategies, along with numerous goals and policies that are designed to achieve the goals that are embodied in the major strategies.

The following text describes those General Plan strategies and policies that are applicable to the CVSP, as well as any inconsistencies between the two. To assist the reader, a summary of the text discussion is presented in Table 3.0-1.

3.1.1 Land Use/Transportation Diagram

The Land Use/Transportation Diagram is essentially a large map that depicts all of the existing and future land uses throughout San José, plus the primary transportation network that supports such land uses. The land uses that are shown on the Diagram are the product of comprehensive land use planning, with a goal of promoting efficient and compatible uses of land.

The CVSP area has three General Plan designations, as previously described and as shown on Figure 1.0-4. The northern portion of the Coyote Valley is designated for Campus Industrial development (*North Coyote Valley Campus Industrial* area), the mid-Coyote Valley area is designated as the *Coyote Valley Urban Reserve* and the southern area of the valley is designated as the Coyote Valley Greenbelt. While the *Coyote Greenbelt Overlay* designation would not change as a result of the proposed project, General Plan text amendments may be required to implement the proposed "Greenbelt Strategy" as previously described (Section 2.1.8). The North Coyote Valley Campus Industrial area and the Coyote Valley Urban Reserve would be combined as part of the CVSP project and redesignated as the "Coyote Valley Planned Community".

Consistency: The CVSP project proposes to change the General Plan land use designations within the Development Area of the CVSP area to "Coyote Valley Planned Community". This is not, by definition, consistent with the existing San José 2020 General Plan which separated the campus industrial uses from the future residential uses. The Coyote Greenbelt Overlay designation would not be changed as a result of the project.

3.1.1.1 *North Coyote Valley Campus Industrial Area*

The overall *Campus Industrial* designation provides for industrial development with a unique campus design concept that takes advantage of a site's natural features and incorporates substantial amounts of landscaped and natural open space areas. Uses allowed in this category are industrial research and development, administration, marketing, assembly and manufacturing. The maximum building coverage of Campus Industrial development should be no more than 30% with a minimum landscaping coverage of 25%.

**TABLE 3.0-1
SUMMARY OF PROJECT CONSISTENCY WITH SAN JOSÉ'S GENERAL PLAN**

Name of Strategy/Policy	Project is Consistent	Project is Inconsistent
Land Use/Transportation Diagram		Y
Major Strategies		
Economic Development	Y	
Housing Strategy	Y	
Sustainable City	Y	
Growth Management	Y	
Balanced Community Policies		
#1: Jobs/Housing Balance	Y	
#2: Varied Residential Types/Densities	Y	
Residential Land Use Policies		
#1: Adequate Services/Facilities		Y
#2: Incompatible Land Uses	Y	
#3: Preferable Locations	Y	
#4: Public/Quasi-Public Uses	Y	
#5: Hazards	Y	
#11: Open Space	Y	
#17: Child Care Facilities/Services	Y	
#20: Energy Conservation	Y	
#22: Pedestrian Activity/Use of Transit	Y	
#23: Adjacent Land Use Conflicts	Y	
#24: Pedestrian Environment	Y	
Commercial Land Use Policies		
#1: Preferable Locations	Y	
#3: Regional-Scale Development		Y
#11: Child Care Facilities/Services	Y	
#13: Energy Conservation	Y	
Industrial Land Use Policies		
#1: Land Use Conflicts	Y	
#2: Locate Industrial Uses to Facilitate Efficient Commutes	Y	
#7: Child Care Facilities/Services	Y	
#12: Locate Near Transit	Y	
#19: Pedestrian Facilities	Y	
Economic Development Policies		
#1: Jobs/Housing Imbalance	Y	
#2: Protection of Industrial Lands	Y	
Greenline/Urban Growth Boundary Policies		
#1: Appropriate Location of Development	Y	
Urban Service Area Policies		
#2: Adequate Facilities and Services	Y	

**TABLE 3.0-1
SUMMARY OF PROJECT CONSISTENCY WITH SAN JOSÉ'S GENERAL PLAN**

Name of Strategy/Policy	Project is Consistent	Project is Inconsistent
#3: Urban Reserves	Y	
#7: Sanitary Sewer Districts	Y	
Urban Design Policies		
#1: Architectural and Design Controls	Y	
#2: Landscaping	Y	
#3: Circulation	Y	
#4: Direct Access to Open Space	Y	
#5: Street Maintenance	Y	
#6: Residential Design	Y	
#7: Undergrounding Utilities	Y	
#8: Public Safety	Y	
#10: Building Heights	Y	
#12: Slope Development	Y	
#13: Street Design at Valley Edges	Y	
#14: Rural Character	Y	
#15: Street Trees	Y	
#16: Park-frontage Roads	Y	
#17: Landscaping Near Creeks	Y	
#18: Sound Attenuation	Y	
#22: Design Guidelines	Y	
#24: Tree Preservation	Y	
#27: Child Care Facilities and Transit-oriented/Mixed Uses	Y	
#28: Child Care in Specific Plans	Y	
#29: Recycled/Salvaged Materials	Y	
#31: Street Design for Pedestrians	Y	
#32: Pedestrian Amenities	Y	
#33: Pedestrian Design Features	Y	
#34: Building Frontages	Y	
#35: Neighborhood Connectivity	Y	
Hillside Development Policies		
#1: Slope Development	Y	
#2: Clustering	Y	
#4: Architectural and Design Controls	Y	
#6: Grading	Y	
#7: Modified Street Sections	Y	
#8: Adaptable Construction Techniques	Y	
#9: Home Siting	Y	
#12: Hillside Vegetation	Y	
#13: Hillside Area Safety	Y	

**TABLE 3.0-1
SUMMARY OF PROJECT CONSISTENCY WITH SAN JOSÉ'S GENERAL PLAN**

Name of Strategy/Policy	Project is Consistent	Project is Inconsistent
#18: Provision of Emergency Services	Y	
Housing Policies		
#1: Variety/Mix of Housing Types	Y	
#3: Affordable Housing	Y	
#2: Finance for New Development Capital/Facility Needs	Y	
#3: Funding for Services and Facilities	Y	
#5: Traffic Level of Service	Y	
#6: Sanitary Sewer Level of Service	Y	
#7: Sewage Treatment Capacity	Y	
#12: Flooding	Y	
#16: Police, Fire, Parks, Libraries	Y	
Transportation Policies		
#3: Public Street Right-of-Way	Y	
#4: Additional Right-of-Way	Y	
#7: Impacts On Regional Transportation Facilities	Y	
#8: Safety	Y	
#9: Traffic Calming	Y	
#11: County Public Transit System	Y	
#16: Transit Stops	Y	
#22: Pedestrian Facility Network	Y	
#24: Buffers Between Traffic and Pedestrian Facilities	Y	
#27: Park and Ride Lots	Y	
#31: Trucks in Neighborhoods	Y	
#33: Off-street Parking	Y	
#34: Maximize Use of Public Parking	Y	
#39: Grade Separation for Railroads	Y	
#51: Bike Lanes	Y	
Historic, Archaeological, and Cultural Resources Policies		
#4: Historic Preservation Districts	Y	
#7: Structures of Merit	Y	
#8: Archeologically Sensitive Sites	Y	
#10: Heritage Trees	Y	
Parks and Recreation Policies		
#1: Neighborhood and Community Parks	Y	
#3: Private Open Space and Recreation	Y	
Scenic Routes Policy		
#6: Rural Scenic Corridors		Y
Trails and Pathways Policies		
#1: Development Along Trails and Pathways Corridors	Y	
#2: Maintenance of Trails and Pathways Corridors	Y	

**TABLE 3.0-1
SUMMARY OF PROJECT CONSISTENCY WITH SAN JOSÉ'S GENERAL PLAN**

Name of Strategy/Policy	Project is Consistent	Project is Inconsistent
Woodlands, Grasslands, Chaparral, and Scrub Policies		
#5: Preservation of Oak Woodlands	Y	
#8: Preservation of Serpentine Grasslands	Y	
Riparian Corridors and Upland Wetlands Policies		
#1: Preservation of Creeks and Natural Riparian Corridors	Y	
#2: New Development Along Riparian Corridors	Y	
#3: Riparian Corridor Setbacks	Y	
#4: Encroachment Into Riparian Corridors	Y	
Species of Concern Policy		
#2: Species of Concern Habitat		Y
Urban Forest Policies		
#2: Preservation/Mitigation of Ordinance-size Trees	Y	
#8: Use of Native Trees in Landscaping	Y	
Water Resources Policies		
#2: Conservation and Reclamation of Water Supplies	Y	
#4: Urban Development Without Sewer System		Y
#12: Urban Runoff Control	Y	
Air Quality Policy		
#1: Cumulative Air Quality Impacts	Y	
Energy Policies		
#1: Higher Residential Densities Near Transit	Y	
#4: Energy-efficiency of Proposed Development	Y	
#7: Utilize Low-pressure Sodium Vapor Lighting	Y	
Agricultural Lands and Prime Soils Policies		
#1: Encourage Williamson Act Contracts		Y
#4: Preservation of Agricultural Lands and Prime Soils		Y
Hazards Policy		
#1: Develop Only Where Hazards are Mitigated	Y	
Soils and Geologic Conditions Policies		
#6: Adequate Mitigation for Geologic Hazards	Y	
#9: Remediate Soil Contamination for Residential Uses	Y	
Earthquake Policies		
#1: Design/Construct Buildings to Resist Earthquakes	Y	
#3: Develop Only Where Hazards are Mitigated	Y	
Flooding Policies		
#1: Protecting New Development From 100-Year Flood	Y	
#7: Adequate Flood Control Retention	Y	
Noise Policy		
#1: City's Acceptable Noise Levels	Y	
Hazardous Materials Policy		

**TABLE 3.0-1
SUMMARY OF PROJECT CONSISTENCY WITH SAN JOSÉ'S GENERAL PLAN**

Name of Strategy/Policy	Project is Consistent	Project is Inconsistent
#1: Proper Storage and Disposal of Hazardous Materials	Y	
#3: Soil and Groundwater Contamination Analysis	Y	
Please refer to the EIR text for discussions as to the reason(s) the proposed project is consistent or inconsistent with the strategies and policies that are listed in this table.		

The Land Use Diagram discussion in the General Plan specifically describes the *North Coyote Valley Campus Industrial* designation. The *North Coyote Campus Industrial Area* development should be of high quality, and sensitive to the valley's environmental features including the hills, existing trees, and agricultural history. For purposes of sizing the required infrastructure, the approximately 1,440-acre area is assumed to accommodate approximately 50,000 employees based on an employee density of 40 employees per acre.

Consistency: The CVSP project proposes to change the General Plan Land Use/Transportation Diagram designation for the North Coyote Valley Campus Industrial area to reflect its incorporation into the CVSP. The existing General Plan envisions that industrial development would occur in the northern portion of the valley and residential development would occur in the CVUR. The CVSP maintains and enhances the goals for preservation of the environmental features of the Coyote Valley. The plan incorporates the latest “smart growth” planning principles to achieve the 50,000 industry-driving jobs in a very urban, pedestrian and transit-oriented mixed use community comprehensively planned with jobs, housing, commercial and community facilities connected through a network of open spaces, trails, bicycle paths, roads and transit. The *North Coyote Campus Industrial Area* designation would be revised to reflect the proposed CVSP. The CVSP is consistent with the General Plan's Major Strategies and the City's Economic Development Strategy, as noted below.

3.1.1.2 *Coyote Valley Urban Reserve*

As previously described, the General Plan sets forth a vision and the broad parameters which should be the basis for the form and nature of any future planning efforts in the Coyote Valley Urban Reserve area. This vision includes the creation of a very urban, pedestrian- and transit-oriented community with a minimum of 25,000 housing units. Coyote Valley is somewhat isolated from the rest of San José and any future urban development will need to be in the form of an independent community with jobs, housing, commercial facilities, infrastructure, and public transit – in effect, a new town. Future urban development of the Urban Reserve should be considered only in conjunction with the North Coyote Valley Campus Industrial Area. The planning for Coyote Valley should also include sound implementation measures for the permanent protection of the Coyote Greenbelt located in the southern portion of the valley.

The General Plan also includes prerequisites for the adoption of a specific plan for the Coyote Valley Urban Reserve (or “triggers”). These prerequisites include the issuance of building permits for 5,000 new jobs in the North Coyote Valley Campus Industrial Area and the determination that the City's financial condition is stable, predictable, and adequate in the long-term. The General Plan states that these prerequisites should be modified only during a comprehensive update of the General Plan involving a community task force similar to the San José 2020 General Plan update process.

Consistency: While the project is broadly envisioned within the existing General Plan, the proposed CVSP project would replace the Coyote Valley Urban Reserve designation on the General Plan Land Use/Transportation diagram with the Coyote Valley Planned Community designation. The project would allow a mix of industrial/office, commercial, and mixed use development, as well as residential uses within the northern and central portions of the CVSP Development Area. Since the Coyote Valley Urban Reserve language in the General Plan would essentially be replaced by the new proposed language for the Coyote Valley Specific Plan, General Plan text amendments would be required as well. These text amendments could include modifications to the prerequisites for the adoption of the proposed CVSP.

The project proposes to change the General Plan Land Use/Transportation Diagram designation for the Coyote Valley Urban Reserve to reflect its incorporation into the Coyote Valley Specific Plan. The project is therefore, by definition, not consistent with the existing Land Use/Transportation Diagram. The introduction of industrial/office, commercial, and mixed use development into an area designated for residential uses would be inconsistent with the goals and policies of the Coyote Valley Urban Reserve designation. The proposed text amendments, including changing the prerequisites for the adoption of the CVSP would be technically inconsistent with the goals and policies of the General Plan.

3.1.2 Major Strategies

3.1.2.1 *Economic Development Strategy*

The City of San José Economic Development Strategy strives to make San José a more "balanced community" by encouraging more commercial and industrial development to balance the existing residential development. San José currently has a surplus of housing in relation to employment opportunities, which is referred to as a jobs/housing imbalance. This imbalance makes it difficult to provide adequate urban services because residential development does not generate sufficient revenue to cover service demands. Economic development is, therefore, a basic priority for San José.

Consistency: The proposed CVSP project includes the development of 50,000 industry-driving and business support jobs and 25,000 housing units within the North Coyote Valley Campus Industrial and Coyote Valley Urban Reserve areas, as described in the San José 2020 General Plan. The difference between the existing General Plan and the current CVSP proposal is that the industrial development would not be restricted to the north and the residential development restricted to the Urban Reserve, but rather mixed and spread throughout the CVSP Development Area. Using current ABAG statistics¹, the proposed 50,000 industry-driving and business support jobs and 5,000 retail and government jobs would require the construction of approximately 34,000 housing units. Overall, the project is consistent with this strategy because it would provide more jobs than could be accommodated in the proposed approximately 25,000 housing units.

3.1.2.2 *Housing Strategy*

The goals of the City of San José's Housing Strategy include improving San José's existing housing resources, meeting the housing needs of all segments of the community, and providing a variety of housing types within the community for all economic levels. The General Plan states that sound growth should be encouraged in the City by designating suitable vacant or underutilized sites for new residential development. The General Plan Housing Strategy encourages: 1) a variety of housing types, 2) the development of mixed uses, and 3) development in downtown core areas. The San José 2020 General Plan Housing Strategy also calls for meeting the needs of very low, low, and moderate income households, in pursuit of which a joint City/Redevelopment Agency policy requires developers of projects in redevelopment areas with ten or more dwelling units to provide at least 20 percent of their units at rents or prices that are affordable to low and moderate income households

Consistency: The proposed CVSP includes at least 25,000 dwelling units, as envisioned in the San José 2020 General Plan for the Coyote Valley Urban Reserve. The CVSP has been designed to include approximately nine different residential housing types as described

¹ Association of Bay Area Governments, *Projections 2007*, for year 2010.

previously in the project description, ranging from high-rise residential uses at 100 dwelling units per acre to single-family residential uses at five dwelling units per acre. The CVSP also seeks a balance between rental and ownership housing. At least 20% of the housing units would be deed-restricted, below-market-rate units spread throughout the CVSP Development Area. For these reasons, the proposed project would be consistent with the Housing Major Strategy.

3.1.2.3 *Sustainable City Strategy*

The Sustainable City Strategy is a statement of San José's commitment to becoming an environmentally and economically sustainable city. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management, and energy efficiency. The Sustainable City Strategy is intended to support these efforts by ensuring that urban development is designed and built in a manner consistent with the efficient use of resources and environmental protection.

Consistency: Due to the potential sensitivity of several environmental resources in Coyote Valley, the design of the proposed CVSP project is based on an approach which involves a shift from a land planning driven process to one that evolves from the existing natural environment or "Environmental Footprint". The CVSP has been designed to include the efficient use of natural resources such as water and energy and would result in reduced automobile trips compared to communities of similar size by locating jobs in proximity to housing. Advanced treated recycled water would be utilized throughout the project area for landscaping and to maintain water levels in the proposed focal lake and BMPs for water quality would be implemented. New development consistent with the project would be required to incorporate transportation demand management measures. Development of the project in conformance with all of the parameters and General Plan and other city policies described in this document would ensure that the CVSP is designed and built to be consistent with the Sustainable City Major Strategy.

3.1.2.4 *Growth Management Strategy*

The purpose of the Growth Management Strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service. The City's strategy for growth management can best be described as the prudent location of new development to maximize the efficient use of urban facilities and services and, to this end the General Plan encourages infill development within urbanized areas.

Consistency: While implementation of the CVSP cannot be considered infill development because the Development Area is primarily rural, the Development Area is within the City's Greenline/Urban Growth Boundary as planned for future, expanded urban development. As previously described, the adoption of the CVSP does not propose to revise the Coyote Valley Urban Reserve Prerequisite (trigger) conditions in the existing General Plan which include a requirement that 5,000 new jobs are added in North Coyote Valley and the determination that the City's fiscal condition is stable, predictable and adequate in the long term based on a five-year economic forecast, adequacy of citywide service levels, and the City's fiscal relationship with the State.

3.1.3 Goals and Policies²

The General Plan contains hundreds of policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The following discussion focuses on those policies that are most relevant to the pending decisions regarding whether to approve the CVSP and the required General Plan amendments and rezonings. Policies that will be addressed during subsequent project-specific entitlements (e.g., planning permits, tentative maps, conditional use permits, etc.) are not discussed.

3.1.3.1 *Balanced Community Policies*

Policy #1: The City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on one hand, and housing resources and a resident work force on the other.

Consistency: Implementation of the CVSP would result in the development of at least 25,000 housing units and 50,000 jobs. As previously described, the number of dwelling units included in the Plan would not meet the demand for housing generated by 50,000 jobs. For this reason, the project would help to improve the overall jobs to housing imbalance within the City and the project would be consistent with Balanced Community Policy #1.

Policy #2: Varied residential densities, housing types, styles, and tenure opportunities should be equitably and appropriately distributed throughout the community and integrated with the transportation system, including roads, bicycle, and pedestrian facilities. Higher densities are encouraged near passenger rail lines and other major transportation facilities to support the use of public transit.

Consistency: Implementation of the proposed CVSP would result in the urban development of up to nine different residential housing types spread throughout the Development Area, ranging in density from five to 100 dwelling units per acre. A transportation system is included in the project, comprised of a public transit system, bike/trails system, and roadway network. Mixed residential and office uses are also included at several locations within the CVSP Development Area, and higher density development would be located adjacent to the internal fixed guideway BRT system included in the proposed project. The project also includes a new multi-modal Caltrain station. For these reasons, the project would be consistent with Balanced Policy #2.

3.1.3.2 *Residential Land Use Policies*

Policy #1: Residential development at urban densities (one dwelling unit per acre or greater) should be located only where adequate services and facilities can be feasibly provided.

Consistency: While the North Coyote Valley Area is located within the Urban Service Area, the remainder of the Development Area (the Coyote Valley Urban Reserve) is not. Residential development would be spread throughout the Development Area; therefore, expansion of the Urban Service Area boundary is proposed to implement the CVSP. For this reason, the CVSP is not consistent with Residential Land Use Policy #1.

² As amended through July 2006.

Policy #2: Residential neighborhoods should be protected from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment. In particular, non-residential uses which generate significant amounts of traffic should be located only where they can take primary access from an arterial street.

Consistency: The proposed project has been designed to reduce land use incompatibility impacts to residential uses. At the time specific residential developments are proposed, they would be designed to be consistent with Residential Land Use Policy #2.

Policy #3: Higher residential densities should be distributed throughout the community. Locations near commercial and financial centers, employment centers, the rail transit stations and along bus transit routes are preferable for higher density housing.

Consistency: The proposed CVSP includes the urban development of a variety of residential housing types throughout the Development Area, including within areas of office, commercial, and mixed uses. Higher density residential uses would be constructed in proximity to future rail and transit stations. Therefore, the proposed project is consistent with Residential Land Use Policy #3.

Policy #4: Due to the limited supply of land available for multiple family housing, public/quasi-public uses, such as schools and churches, should be discouraged in areas designated for residential densities exceeding 12 units per acre on the Land Use/Transportation Diagram except in the Downtown Core Area.

Consistency: The proposed CVSP includes lands designated for multiple family housing and public/quasi-public uses. Because the project would include a significant amount of new multiple family housing units and the necessary public/quasi-public uses, the project would be consistent with Residential Land Use Policy #4.

Policy #5: Residential development should be allowed in areas with identified hazards to human habitation only if those hazards are adequately mitigated.

Consistency: The CVSP has been designed to avoid land use conflicts between hazardous materials users and residential development. Any hazard identified in this EIR would be avoided or mitigated prior to the construction of new residential development, as described in Section 4.9, *Hazards and Hazardous Materials*. Therefore, the CVSP is consistent with Residential Land Use Policy #5.

Policy #11: Residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents' open space and recreation needs.

Consistency: The proposed CVSP project includes a variety of residential developments with open space areas to partially provide for the open space and recreational needs of residents; therefore, the project is consistent with Residential Land Use Policy #11.

Policy #17: The City encourages developers of large residential projects to identify and appropriately address the need generated by these projects for child care facilities and services.

Consistency: The density of residential land uses proposed by the project would most likely create a need for child care facilities and services in the project area. At the time specific

residential projects are proposed, developers should be encouraged to provide these services, therefore, the project is consistent with Residential Land Use Policy #17.

Policy #20: Roads, buildings and landscaping should be designed and oriented to maximize energy conservation benefits for space heating and cooling to the extent feasible.

Consistency: When specific residential projects are proposed, they would be required to incorporate road, building, and landscape design elements that maximize energy conservation benefits to the extent feasible. The project is therefore consistent with Residential Land Use Policy #20.

Policy #22: High density residential and mixed residential/commercial development located along transit corridors should be designed to: 1) create a pleasant walking environment to encourage pedestrian activity, particularly to the nearest transit stop; 2) maximize transit usage; 3) allow residents to conduct routine errands close to their residence; 4) integrate with surrounding uses to become a part of the neighborhood rather than an isolated project; 5) use architectural elements or themes from the surrounding neighborhood; and 6) ensure that building scale does not overwhelm the neighborhood.

Consistency: The proposed project includes high density residential land uses located adjacent to transit and some existing neighborhoods. When specific residential developments are proposed they would be required to provide pedestrian amenities and to integrate with surrounding uses and neighborhoods and therefore, would be consistent with Residential Land Use Policy #22.

Policy #23: New high-density residential development in Transit-Oriented Development Corridors and BART Station Area Nodes should be designed to protect residents from any potential conflicts with adjacent uses.

Consistency: The project proposes residential land uses in areas along future transit-oriented corridors within the CVSP Development Area. At the time specific residential developments are proposed, they would be designed to be consistent with Residential Land Use Policy #23.

Policy #24: New residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development, transit access points, and nearby commercial areas.

Consistency: Future residential developments would be required to provide pedestrian facilities linking the developments to transit and commercial areas and therefore would be consistent with Residential Land Use Policy #24.

3.1.3.3 *Commercial Land Use Policies*

Policy #1: Commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel. New commercial development should be located near existing centers of employment or population or in close proximity to transit facilities and should be designed to encourage pedestrian and bicycle access through techniques such as minimizing building separation from the street, providing safe, accessible, convenient and pleasant pedestrian connections, secure

bike storage, etc. Employee intensive uses should be encouraged to locate along multi-modal transit corridors.

Consistency: Land designated for commercial uses within the CVSP has been distributed in a manner that maximizes accessibility while minimizing the need for automobile travel. The majority of the Local and Regional Commercial uses within the CVSP would be included in Mixed Use developments to facilitate access for both residential and workplace uses. When specific commercial development projects are proposed, they would be located in proximity to transit and pedestrian and bicycle access to these uses would be encouraged in the highly urban, pedestrian- and transit-oriented community. For these reasons, the project is consistent with Commercial Land Use Policy #1.

Policy #3: Any new regional-scale commercial development should be encouraged to locate in the Downtown Core Area rather than in suburban locations.

Consistency: The commercial development proposed as part of the project is intended primarily to serve the needs of the existing and future residents of the CVSP area. While Regional Commercial uses are intended to also draw customers from outside of the CVSP, it is expected that the majority of these customers would come from the south because of the availability and choice of Regional Commercial uses to the north. Downtown San José is located approximately 12 miles to the north of the CVSP area and therefore, would not be expected to provide for the regional commercial needs of residents of the CVSP area.

Although outside of the Downtown Core Area, the proposed CVSP project would not be considered a suburban location because the overall character of development would be an urban, pedestrian and transit-oriented mixed use community as specified in number four of the 16 expected outcomes in Section 1.4 (Project Objectives). For this reason, the proposed project is consistent with Commercial Land Use Policy #3.

Policy #11: The City encourages developers of large commercial projects to identify and appropriately address the potential need generated by these projects for child care facilities and services.

Consistency: At the time specific commercial projects are proposed, developers would be encouraged to provide day care services, therefore, the project is consistent with Commercial Land Use Policy #11.

Policy #13: Roads, buildings, and landscaping for new commercial development should be designed and oriented to maximize energy conservation benefits for space heating and cooling to the extent feasible.

Consistency: Future commercial projects would be required to incorporate road, building, and landscape design elements that maximize energy conservation benefits to the extent feasible. The project is consistent with Commercial Land Use Policy #13.

3.1.3.4 *Industrial Land Use Policies*

Policy #1: Industrial development should incorporate measures to minimize negative impacts on nearby land uses.

Consistency: The proposed Workplace development proposed by the project would be subject to all mitigation measures required in this EIR, and the City's Industrial Design Guidelines to reduce impacts to nearby future and existing residential land uses and therefore would be consistent with Industrial Land Use Policy #1.

Policy #2: The City should encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas, particularly in locations which facilitate efficient commute patterns.

Consistency: The project provides for a minimum development of 50,000 industry-driving jobs (and approximately 5,000 government and retail jobs) in proximity to a minimum of 25,000 housing units, thereby facilitating efficient commute patterns. In addition, the proposed project would improve regional commute patterns by providing jobs in the southern portion of Santa Clara County, encouraging the reverse commute, whereby more trips would be traveling to the south during the morning commute. For this reason, the project is consistent with Industrial Land Use Policy #2.

Policy #7: The City encourages developers of large industrial project to identify and appropriately address the potential need generated by these projects for child care facilities or services. The provisions of on-site child care may be considered for a single-tenant building in industrial areas primarily for use by employees of the industrial facility.

Consistency: Future industrial development would be encouraged to incorporate child care facilities. The project therefore is consistent with Industrial Land Use Policy #7.

Policy #12: Employee intensive uses should be encouraged to locate near transit facilities.

Consistency: The proposed CVSP has been designed to encourage the location of employee intensive uses near transit facilities. The project therefore is consistent with Industrial Land Use Policy #12.

Policy #19: New industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.

Consistency: New Workplace development proposed by the project would be built along the street edge and have pedestrian connections to transit stations. Therefore, the project is consistent with Industrial Land Use Policy #19.

3.1.3.5 *Economic Development Policies*

Policy #1: The City should reduce the present imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San José. A perfect balance between the number of jobs and employed residents may not be achievable but the City should strive to achieve a minimum ratio of 0.80 jobs/employed resident to attain greater fiscal stability.

Consistency: Consistent with this policy, the City has taken steps to achieve an improved jobs/housing balance. As discussed in Section 3.13, Population, Jobs, and Housing, the City has now met this goal. Further, the project proposes more jobs than housing which would

help to maintain the balance between jobs and employed residents in the City. The project is therefore consistent with Economic Development Policy #1.

Policy #2: To enhance its economic development goals and increase employment opportunities for San José citizens, the City should: 1) seek to attract businesses and industries which are particularly suited to the area; 2) protect the industrial lands designated exclusively for industrial uses; and 3) attract a diverse mixture of businesses and industries that can provide jobs suitable for the City's unemployed and under-employed labor force.

Consistency: The project would establish new land uses intended to attract high-profile businesses and industries to the CVSP Development Area that are well-suited to the highly urban development intensities proposed, and that offer a variety of jobs. Lands in the northern portion of the Development Area are currently designated for Campus Industrial uses, although no construction has yet occurred. The existing IBM facility north of Bailey Avenue would be incorporated into the CVSP with compatible land uses planned for areas that surround the IBM facility. For these reasons, the project would be consistent with Economic Development Policy #2.

3.1.3.6 *Greenline/Urban Growth Boundary Policies*

Policy #1: No urban development should extend outside of the Greenline/Urban Growth Boundary which separates those lands planned and reserved for urban uses from those that should remain rural in nature.

Consistency: As previously described, the CVSP Development Area (North Coyote Valley Campus Industrial and Coyote Valley Urban Reserve) are within the Greenline/Urban Growth Boundary of San José. For this reason, the project is consistent with the Greenline/Urban Growth Boundary Policy #1.

3.1.3.7 *Urban Service Area*

Policy #2: The Urban Service Area should be expanded only when it can be demonstrated that existing facilities and services are available and adequate to serve the proposed expansion area; adequate facilities are planned (i.e., in the adopted Capital Improvement Program or similar programs of other public agencies) and will be available when required; or all necessary facilities will be provided by the developer(s). Additionally, the Urban Service Area should not be expanded unless it can be determined that adequate resources, including operations and maintenance resources, will be available in the long term to maintain service levels citywide and that services to existing neighborhoods will not be reduced or jeopardized.

Consistency: The CVSP specifies that all necessary facilities would be funded by the property owners and developers through formation of assessment districts or other financial mechanisms. As previously described, the adoption of the CVSP does not propose to revise the Coyote Valley Urban Reserve Prerequisite Triggers conditions in the existing General Plan which include a requirement that 5,000 new jobs are added in North Coyote Valley and the determination that the City's fiscal condition is stable, predictable and adequate in the long term based on a five-year economic forecast, adequacy of citywide service levels, and the City's fiscal relationship with the State. Therefore, the expansion of the Urban Service Area to include the CVSP is consistent with Urban Service Area Policy # 2.

Policy #3: Expansions of the Urban Service Area into the South Almaden Valley and the Central Coyote Valley areas should be approved only in conformance with the respective Urban Reserve land use designations specifically applicable to those areas.

Consistency: The Coyote Valley Urban Reserve (CVUR) is defined in the San José 2020 General Plan as an area not required to accommodate growth but may be considered for development in the future when the City needs additional housing. The General Plan includes a vision and parameters which should be the basis for the form and nature of any future planning efforts in the CVUR. The CVSP states that "any future development would need to be in the form of an independent community with jobs, housing, commercial facilities, schools, parks and other residential service facilities, infrastructure and public transit – in effect a new town."

Implementation of the CVSP would essentially remove the line between the CVUR and the North Coyote Campus Industrial Area to facilitate the development of what the General Plan envisions as "a very urban, pedestrian- and transit-oriented mixed use community with a minimum of 25,000 housing units." As previously noted, the adoption of the CVSP does not propose to revise the CVUR Prerequisite Conditions. Finally, the CVSP specifies the requirements for the preparation of the Specific Plan and the vision to guide the overall development concept and character for the area. The CVSP is consistent with the existing CVUR designation of the San José 2020 General Plan Land Use/Transportation Diagram designation, as described above. Therefore, the proposed CVSP is consistent with Urban Service Area Policy # 3.

Policy #7: Since the provision of sanitary sewers is an urban service and development served by sanitary sewers is thereby urban, the expansion of sanitary sewer districts is discouraged for areas planned in non-urban uses outside the Urban Service Area.

Consistency: The CVSP does not propose expansion of a sanitary sewer district. The future expansion of the Urban Service Area to accommodate the CVSP area would allow extension of sanitary sewer and other infrastructure, consistent with the General Plan Urban Service Area policies. Therefore, the proposed CVSP is consistent with Urban Service Area Policy # 7.

3.1.3.8 *Urban Design Policies*

Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

Consistency: All of the buildings constructed as a result of the project would apply strong architectural and site design controls through consistency with both existing design guidelines and policies and new guidelines incorporated into the project. Therefore, the project is consistent with Urban Design Policy #1.

Policy #2: Private development should include adequate landscaped areas. Landscaped areas should utilize water efficient plant materials and irrigation systems. Energy conservation techniques such as vegetative cooling and wind shielding should also be utilized. All landscaped areas should include provision for ongoing landscape maintenance.

Consistency: When specific projects are proposed, they would be required to provide adequate landscape design elements that maximize energy conservation benefits to the extent feasible. The project is consistent with Urban Design Policy #2.

Policy #3: Residential subdivisions should be designed to provide for internal circulation within neighborhoods, prevent through vehicular traffic from traversing neighborhoods, and encourage pedestrian and bicycle connections between neighborhoods and to adjacent commercial uses and transit facilities.

Consistency: The proposed project has been designed to provide for safe and efficient travel within neighborhoods while providing connections to commercial uses and transit facilities. When specific residential projects are proposed, they would be required to be consistent with Urban Design Policy #3.

Policy #4: Residential developments which are adjacent to parks or open spaces should be encouraged to provide direct access to, and common open space contiguous to, such areas.

Consistency: All of the residential development that would occur under the CVSP would include access to park and open space areas. At the time specific residential developments are proposed they would be encouraged to provide access to parks and open space and would therefore be consistent with Urban Design Policy #4.

Policy #5: The design review process should take into consideration the long term maintenance ramifications of the design of private streets and other private infrastructure improvements.

Consistency: The urban development proposed by the project would require private streets and private infrastructure. At the time specific developments are proposed, the long term maintenance of private infrastructure would be considered. Therefore, the project is consistent with Urban Design Policy #5.

Policy #6: Proposed structures adjacent to existing residential areas should be architecturally designed and sited to protect the privacy of the existing residences.

Consistency: The proposed project designates land for residential use adjacent to existing residential development. At the time specific residential development is proposed it would be designed to protect the privacy of existing residences, therefore, it would be consistent with Urban Design Policy #6.

Policy #7: The City should require the undergrounding of distribution utility lines serving new development sites as well as proposed redevelopment sites.

Consistency: The proposed project would include the undergrounding of all distribution utility lines serving the project sites. Therefore, the project is consistent with Urban Design Policy #7.

Policy #8: Design solutions should be considered in the development review process which address security, aesthetics and public safety.

Consistency: The City would review the design of projects proposed as a result of the CVSP project considering security, aesthetics, and public safety. For this reason the project is consistent with Urban Design Policy #8.

Policy #10: The maximum building heights set forth are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building height, including all elements of a building whether occupied space or building features should not exceed 50 feet, with the following exceptions:

- **SPECIFIC PLAN AREAS:** The maximum building heights for Specific Plan areas are defined within each Specific Plan.

Consistency: The proposed project is the adoption of a Specific Plan for the Coyote Valley, which would define the maximum building heights allowed within the CVSP Development Area. The project is therefore consistent with Urban Design Policy #10.

Policy #12: In order to preserve and enhance the scenic and aesthetic qualities of the natural terrain, development on slopes exceeding 7% should conform to the following guidelines:

- Planned Development zoning is preferable for its flexible design techniques such as clustering, variable lot sizes, and varying setbacks in order to maximize residential densities.
- Construction techniques and housing types adaptable to a variable terrain, such as cluster housing, split pads and stepped foundations, should be utilized where appropriate. Conventional, single flat-pad lots should ordinarily be discouraged.
- Consideration should be given to the siting of homes for privacy, livability, solar and wind conditions. Siting should take advantage of scenic views but should not create significant visual impacts affecting public places and other properties.
- The preservation of existing trees, rock outcroppings and other significant features should be encouraged.
- When grading or recontouring of the terrain is proposed, it should be done in such a way as to preserve the natural character of the hills, whenever possible.
- Because street construction on slopes often requires a disruptive amount of grading, modified street sections designed for both utility and minimum grading should be encouraged.

Consistency: The City would review the design of projects proposed on properties with slopes exceeding seven percent considering design and construction techniques, housing types, siting, tree preservation, and grading. For this reason, the project is consistent with Urban Design Policy #12.

Policy #13: At the edge of the Valley floor, development should incorporate loop streets and cul-de-sacs, rather than streets stubbed into lands planned for non-urban use in order to minimize development pressures on such non-urban areas.

Consistency: At the time development is proposed on sites on the edge of the valley floor, projects would be designed to minimize development pressures on non-urban areas. The project is therefore consistent with Urban Design Policy #13.

Policy #14: New urban development should be designed to minimize impacts in areas with an established and permanent rural or semi-rural character, often typified by large-lot "ranchette" development.

Consistency: Existing established large-lot development was taken into account during the preparation of the CVSP. The lowest density residential development proposed for the CVSP (five dwelling units to the acre) is proposed to be located adjacent to the existing residential

uses to minimize potential land use compatibility impacts. For this reason, the project is consistent with Urban Design Policy #14.

Policy #15: In order to realize the goal of providing street trees along all residential streets, the City should:

- Continue to update, as necessary, the master plan for street trees which identifies approved varieties.
- Require the planting and maintenance of approved varieties of street trees as a condition of development.
- Continue the program for management and conservation of street trees which catalogs street tree stock replacement and rejuvenation needs.
- Continue to work with volunteer urban forestry programs (San José Beautiful/Our Urban Forest) to promote tree planting and maintenance by residents.

Consistency: The proposed project would require that all new urban development within the CVSP Development Area include the planting and maintenance of street trees; therefore, the project is consistent with Urban Design Policy #15.

Policy #16: When development is proposed adjacent to existing or planned parks or park chains, that development should include public park-frontage roads, wherever feasible, in order to maximize access to park lands, to provide a reasonable separation between urban land uses and park lands without the use of "back-up" design, and to maximize exposure of park lands for scenic and security purposes.

Consistency: The project designates residential lands adjacent to Coyote Creek and relocated Fisher Creek and in most cases provides frontage roads to maximize public access. When specific residential developments are proposed, site specific improvements to separate urban and park land uses and to maximize public access to park lands would be provided, consistent with Urban Design Policy #16.

Policy #17: Development adjacent to creekside areas should incorporate compatible design and landscaping including plant species which are native to the area or are compatible with native species.

Consistency: At the time urban development is proposed on sites adjacent to Coyote Creek and relocated Fisher Creek, projects would be designed and landscaped to be compatible with native riparian species. The project would therefore be consistent with Urban Design Policy #17.

Policy #18: To the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.

Consistency: New development proposed as a result of the project would use appropriate sound attenuation methods, including sound attenuation walls as necessary to mitigate noise impacts. Therefore, the project is consistent with Urban Design Policy #18. Noise impacts and mitigation measures are further discussed in Section 4.3, *Noise and Vibration*.

Policy #22: Design guidelines adopted by the City Council should be followed in the design of development projects.

Consistency: The CVSP would be implemented according to the City's Residential, Commercial and Industrial Design Guidelines. Therefore, the project is consistent with Urban Design Policy #22.

Policy #24: New development projects should include the preservation of ordinance-size and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

Consistency: In the event ordinance-size trees and any other significant trees are not able to be saved, specific development projects would include appropriate tree replacement which is consistent with Urban Design Policy #24.

Policy #27: Child care facilities should be considered in the design of transit-oriented projects and mixed use projects that are suitably located for such facilities.

Consistency: At the time specific transit-oriented or mixed-use development is proposed, the incorporation of child care facilities would be considered as part of the City review of the proposed development. Therefore, the project is consistent with Urban Design Policy #27.

Policy #28: Child care needs should be considered when developing specific plans or other development strategies.

Consistency: Child care needs were considered during the preparation of the CVSP. At the time specific development is proposed, child care facilities would be considered as part of the City review process. Childcare facilities are also envisioned to be co-located at elementary schools. Therefore, the project is consistent with Urban Design Policy #28.

Policy #29: To the extent practical, all new development should use construction products that are either made from recycled and/or salvaged materials, or can be reused and/or recycled.

Consistency: At the time of urban development, proposed building construction would be reviewed for conformance with this policy. Therefore, the project is consistent with Urban Design Policy #29.

Policy #31: All streets should provide for pedestrian safety, convenience, and accessibility. Streets with high pedestrian volumes may require physical enhancements, such as medians, bulb outs, or other features, which narrow the crossing distance for pedestrians.

Consistency: The proposed CVSP project includes improvements to existing streets and the development of new streets. Providing for pedestrian safety, convenience and accessibility is a primary goal for the improvement of existing streets. The design of new streets would meet City standards for pedestrian facilities and would facilitate pedestrian accessibility throughout the project area. Therefore, the project is consistent with Urban Design Policy #31.

Policy #32: Amenities should be added to create a pleasant walking environment. These measures include ample sidewalk widths, crosswalks, street furniture, pedestrian-activated crossing lights, and street trees.

Consistency: Providing a pleasant walking environment is a primary goal for the street improvements included within the CVSP project. The proposed project includes new pedestrian amenities as part of improvements to existing streets and the development of new streets. Therefore, the project is consistent with Urban Design Policy #32.

Policy #33: All developments should provide pedestrian friendly design features including, but not limited to, pedestrian pathways connecting public streets to building entrances and other features of the site.

Consistency: The proposed CVSP project would require that all new development within the Development Area include pedestrian friendly design features. Therefore, the project is consistent with Urban Design Policy #33.

Policy #34: To create a more pleasing pedestrian environment, building frontages should include design elements with a human scale, varied and articulated facades, and entries oriented to public sidewalks or pedestrian pathways. Windows and/or entries should be provided along sidewalks and pathways.

Consistency: The proposed CVSP project would require that all new urban development within the CVSP Development Area include design components that are oriented to public sidewalks and pedestrian pathways. New urban development would also be reviewed for consistency with the City's design guidelines that address design features related to a pleasing pedestrian environment. Therefore, the project is consistent with Urban Design Policy #34.

Policy #35: New development should increase neighborhood connectivity by providing access across natural barriers (i.e., rivers) and man-made barriers (i.e., freeways).

Consistency: The proposed CVSP project includes the addition of a new interchange at US 101 and crossings of Monterey Road, Coyote Creek, and relocated Fisher Creek. The project also includes the development of new local streets to allow neighborhood connectivity within the CVSP Development Area. For this reason, the project would be consistent with Urban Design Policy #35.

3.1.3.9 *Hillside Development Policies*

Policy #1: Regardless of the maximum potential residential densities designated by the Land Use/Transportation Diagram for land with a slope of 7% or greater, the City should only allow the development of these lands at densities consistent with the City's objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.

Consistency: The CVSP includes the designation of lands with slopes of greater than 7% for residential uses along the western boundary of the CVSP Development Area. The proposed project would require that all new hillside development include provisions for minimizing exposure to environmental hazards while maximizing resource conservation, consistent with Hillside Policy #1.

Policy #2: Clustering of residential development in hillside areas should be encouraged to minimize the exposure of development to environmental hazards and maximize the preservation of natural resources in the hillsides.

Consistency: At the time specific hillside development projects are proposed, they would be reviewed by the City for conformance with this policy. Therefore, the CVSP project is consistent with Hillside Development Policy #2.

Policy #4: The City should continue to apply strong architectural and site design controls on all types of hillside development for the protection of the hillsides and to minimize potential adverse visual and environmental impacts.

Consistency: The City would apply strong architectural and site design controls on hillside development during the design review process to protect hillside and minimize adverse visual and environmental impacts. For this reason, the CVSP project is consistent with Hillside Development Policy #4.

Policy #6: In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation.

Consistency: New urban development proposed would use appropriate grading and recontouring methods to preserve the natural character and vegetation of hillside areas, to the extent possible. The CVSP project is therefore, consistent with Hillside Policy #6.

Policy #7: Because street construction on slopes often requires a disruptive amount of grading, modified street sections designed for both utility and minimum grading are encouraged.

Consistency: Proposed street construction in hillside areas would be reviewed by the City for consistency with Hillside Development Policy #7.

Policy #8: Construction techniques and housing types adaptable to a variable terrain, such as cluster housing, split pads and stepped foundations, should be utilized on sloped sites. Conventional, single flat-pad construction is discouraged.

Consistency: Housing types constructed in hillside areas would be required to apply construction techniques and designs adaptable to variable terrain, such as those described in this policy. For this reason, the proposed CVSP project is consistent with Hillside Development Policy #8.

Policy #9: Consideration should be given to the siting of homes for privacy, livability, adequate solar access and wind conditions. Siting should take advantage of scenic views but should not create significant visual impacts affecting public places and other properties.

Consistency: At the time specific hillside residential projects are proposed, they would be located in such a way as to provide privacy, livability, and adequate solar access, while taking into account wind conditions and scenic views from surrounding land uses. The project is therefore consistent with Hillside Development Policy #9.

Policy #12: The City encourages the preservation of hillside vegetation and, if vegetation must be removed, it should require appropriate revegetation and planting projects in hillside areas.

Consistency: Development proposed for the hillside areas of the western portion of the CVSP Development Area could result in the removal of hillside vegetation as described in Section 4.6, *Biological Resources*. At the time specific hillside development is proposed, mitigation and avoidance measures identified in this EIR would be implemented as necessary to reduce impacts to hillside vegetation and habitats. These measures include revegetation and the planting of trees appropriate for the hillside areas of Coyote Valley. For these reasons, the CVSP project is consistent with Hillside Development Policy #12.

Policy #13: Development should only be permitted in hillside areas if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards, can be mitigated to an acceptable level.

Consistency: At the time specific hillside development projects are proposed, the City would ensure that potential dangers and environmental hazards can be avoided or mitigated to an acceptable level. Therefore, the CVSP proposed project is consistent with Hillside Development Policy #13.

Policy #18: The Development Review process for projects in hillside areas should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a manmade or natural disaster.

Consistency: At the time specific hillside development projects are proposed, the City would consider the cost of providing emergency services in the Development Review process. Mechanisms by which to pay for the provision of services would be evaluated at that time. The CVSP project is therefore consistent with Hillside Development Policy #18.

3.1.3.10 *Housing Policies*

Policy #1: The City encourages a variety and mix in housing types to provide adequate choices for housing to persons of all income levels in San José. Where appropriate, implementation of this policy in large-scale development projects should be considered.

Consistency: The proposed project includes the designation of lands for a variety of housing types spread throughout the CVSP Development Area. The project is therefore consistent with Housing Policy #1.

Policy #3: To facilitate the integration of households with various incomes into all neighborhoods and diversification of the housing stock, the City encourages the dispersal of affordable housing throughout San José.

Consistency: As previous described, 20% of the housing units included in the CVSP would be deed-restricted below market rate units. These affordable housing units would be spread throughout the Development Area and housing types. For this reason, the project is consistent with Housing Policy #3.

3.1.3.11 *Level of Service Policies*

Policy #2: Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

Consistency: Infrastructure (e.g., utility lines, roadway improvements, stormwater drainage facilities, etc.) needed to accommodate the level of development that would occur under the CVSP would be financed by the project through implementation of a development impact fee or formation of an Assessment District or Districts. Therefore, the CVSP is consistent with Level of Service Policy #2.

Policy #3: The Urban Service Area should not be expanded without taking into consideration the funding necessary to adequately provide for the long term without degrading services in the existing urban area, for all City services and facilities including operations and maintenance required by the development anticipated in the area proposed for expansion.

Consistency: The proposed CVSP project is consistent in that it would retain the San José 2020 General Plan prerequisite conditions (“triggers”) for the CVUR that preclude development and expansion of city services until it is evident that the implementation of the CVSP would not degrade city services for existing San José residents. For this reason, the project is not inconsistent with Level of Service Policy #3.

Policy #5: The minimum overall performance of City streets during peak travel periods should be level of service "D"...An “area development policy” may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which determines development impacts and mitigation measures.

Consistency: It is anticipated that prior to implementation of the CVSP, the project would include a Coyote Valley Area Development Policy to establish specific traffic level of service standards to determine development impacts and appropriate mitigation measures. Therefore, the project is consistent with Level of Service Policy #5.

Policy #6: The minimum performance standard for sanitary sewer lines should be level of service "D", defined as restricted sewage flow during peak flow conditions. Development which will have the potential to reduce the downstream level of service to worse than "D", or development which would be served by downstream lines already operating at a level of service worse than "D", should be required to provide mitigation measures to improve the level of service to "D" or better.

Consistency: New sanitary sewer lines would be constructed to serve the proposed CVSP Development Area and existing lines would be upgraded, as necessary. As development permits are issued, sanitary sewer capacity would be reviewed and necessary improvements to the sanitary sewer system would be made as part of specific development proposals or through City initiated Assessment Districts, to maintain level of service “D” or better. Therefore, the CVSP is consistent with this policy.

Policy #7: The City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José's share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant (WPCP).

Consistency: The proposed project would not exceed San José's share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant, as described in Section 4.11, *Utilities and Service Systems*. The City would continue to monitor WPCP capacity as development occurs to verify the Plant capacity is adequate. The project would likely include expansion of the City's recycled water program further reducing the potential demand for Plant capacity. For these reasons, the CVSP is consistent with Level of Service Policy #7.

Policy #12: New projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.

Consistency: The proposed CVSP project includes flood control and storm drainage facilities that have been designed to minimize potential stormwater and flooding damage. The facilities include the relocation of portions of Fisher Creek, an urban canal, a central focal lake, detention basins, and a storm drain system that would convey stormwater to minimize potential damage from flooding. For this reason, the proposed project is consistent with Level of Service Policy #12.

Policy #16: Utilize the following citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential:

- For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of eleven minutes or less for 60 percent of all Priority 2 calls.
- For fire protection, a 4-minute average response time to all calls.
- For parks and recreation, 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum is 1.5 acres of neighborhood, community or locally serving regional/citywide park lands and up to 2 acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/citywide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.³
- For libraries, minimum of 10,000 square feet of library space per 36,000 population, 18.3 weekly service hours per 10,000 population, and an annual acquisition rate of 1 volume per 6 people for the first 500,000 population and 1 volume per 8 people over 500,000 population.

Consistency: The proposed CVSP project includes lands designated for new parklands, schools, and other services associated with proposed residential uses within the CVSP Development Area. All development in CVSP would comply with Level of Service Policy #16, and the future construction of residential uses would be evaluated for conformance with this policy at the time they are proposed. Therefore, the project is consistent with Level of Service Policy #16. Please see Section 4.12, *Availability of Public Services*, for a discussion of impacts to police department services, fire department services, schools, park and recreation facilities, and library facilities.

³ Where the CVSP proposed park and library services exceed those standards it will be by an agreement with the city.

3.1.3.12 *Transportation Policies*

Policy #3: Public street right-of-way dedication and improvements should be required as development occurs. Ultimate thoroughfare right-of-way should be no less than the dimensions as shown on the Land Use/Transportation Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function.

Consistency: Once specific urban development is proposed for the CVSP Development Area, street right-of-way dedications would be determined, consistent with this policy. The number and widths of streets within the CVSP would be sufficient to serve the amount of development proposed. Therefore, the CVSP is consistent with Transportation Policy #3.

Policy #4: Additional public street right-of-way beyond that designated on the Land Use/Transportation Diagram may be required to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

Consistency: At the time urban development is proposed, adequate roadway right-of-way would be determined for existing and future streets within the CVSP area. The project is therefore consistent with Transportation Policy #4.

Policy #7: The traffic impacts on regional transportation facilities should be taken into consideration when reviewing major General Plan Land Use Diagram amendments.

Consistency: This EIR includes a discussion of impacts to local and regional transportation facilities as a result of the project. The project is therefore consistent with Transportation Policy #7.

Policy #8: Vehicular, bicycle and pedestrian safety should be an important factor in the design of streets and roadways.

Consistency: Streets would be designed to conform to the Transportation Bicycle Network included in the 2020 General Plan and therefore, the project is consistent with Transportation Policy #8.

Policy #9: Neighborhood streets should be designed to discourage through traffic and unsafe speeds.

Consistency: Although the number and design of neighborhood streets is unknown at this time, future streets would be designed to discourage through traffic and unsafe speeds, consistent with Transportation Policy #9.

Policy #11: New development should be required to install indented curbs for bus pullouts, bus shelters, and other transit-related public improvements, where appropriate.

Consistency: The project would install needed transit improvements where appropriate and therefore is consistent with Transportation Policy #11.

Policy #16: Where feasible, transit stops should be compatible with the architectural style of adjacent development and should have appropriate amenities, including shade, to foster transit ridership.

Consistency: At the time transit development is proposed, the City would ensure that the proposed design is consistent with Transportation Policy #16.

Policy #22: Pedestrian pathways and public sidewalks should provide connectivity between uses, such as neighborhoods, schools, parks, libraries, open space, public facilities, shopping centers, employment centers, and public transit.

Consistency: The project includes the development of pedestrian facility improvements for existing roadways, connections to the regional trail systems, and new streets intended to support increased pedestrian circulation. All of these actions would facilitate connectivity within the CVSP area; therefore the project is consistent with Transportation Policy #22.

Policy #24: In order to provide pedestrian comfort and safety, all pedestrian pathways and public sidewalks should provide buffers between moving vehicles and pedestrians where feasible (e.g., trees, planting strips, and parked cars).

Consistency: The project would comply with the standard street design guidelines of the Public Works Department which includes a requirement for the provision of street trees in new developments; therefore the project is consistent with Transportation Policy #24.

Policy #27: The City should cooperate with the Valley Transit Agency (VTA), Caltrain, and other appropriate transit agencies in the development of park and ride lots to support public transit.

Consistency: The proposed project includes a multi-modal transit stop along Caltrain/UPRR tracks. Once a specific location is determined, the City would work with the appropriate agencies to implement the development of park and ride lots. Therefore, the project is consistent with Transportation Policy #27.

Policy #31: Industrial and commercial development should be planned so that truck access through residential areas is avoided. Truck travel on neighborhood streets should be minimized.

Consistency: Once specific industrial and commercial developments are proposed, they would be designed to avoid truck traffic on residential streets. For this reason, the project is consistent with Transportation Policy #31.

Policy #33: Adequate off-street parking should be required in conjunction with all future developments.

Consistency: The proposed project would adhere to the City's parking requirements; therefore, it would be consistent with Transportation Policy #33.

Policy #34: Public parking facilities should be located and designed in order to maximize the number of land use activities which can utilize the facility and to maximize utilization which can occur throughout the 24-hour day. Joint use parking facilities should also be encouraged in private developments.

Consistency: The proposed project includes District shared or joint use parking facilities throughout the CVSP area. These facilities would be located and designed to maximize the number of land uses that can utilize the facilities. For this reason, the proposed project is consistent with Transportation Policy #34.

Policy #39: Whenever possible, grade separation of main line railroads and major arterials streets, particularly those of six lanes or more should be provided.

Consistency: Grade separations of the railroad tracks and existing and future arterials within the CVSP area would be considered at the time of development; therefore the project is consistent with Transportation Policy #39.

Policy #51: Bike lanes are considered generally appropriate on arterial and major collector streets. Right-of-way requirements for bike lanes should be considered in conjunction with planning the major thoroughfares network and in implementing street improvement projects.

Consistency: The proposed project would conform to the Transportation Bicycle Network included in the 2020 General Plan and therefore the project would be consistent with Transportation Policy #51.

3.1.3.13 *Historic, Archaeological and Cultural Resources Policies*

Policy #4: Areas with a concentration of historically and/or architecturally significant sites or structures should be considered for preservation through the creation of Historic Preservation Districts.

Consistency: The Hamlet of Coyote Valley has been determined to be a candidate for a Historic Preservation District, as described in Section 4.5, *Cultural Resources*. The project proposes to preserve and enhance this area by preserving and reusing existing structures in the Hamlet and providing area in the Hamlet for relocation of other historic structures as deemed necessary. For this reason, the project would be consistent with Historic, Archaeological and Cultural Resources Policies *Policy #4*.

Policy #7: Structures of historic, cultural, or architectural merit which are proposed for demolition because of public improvement projects should be considered for relocation as a means of preservation. Relocation within the same neighborhood, to another compatible neighborhood or to the San José Historical Museum should be encouraged.

Consistency: Future development of the CVSP is assumed to include the preservation and protection of potentially historic architectural resources. If structures are proposed for relocation, it would be done in conformance with a comprehensive Architectural Treatment Program Plan as described in Section 4.5.3.2 of this EIR. Therefore, the project is consistent with Historic, Archaeological and Cultural Resources Policy #7.

Policy #8: For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

Consistency: The CVSP area has undergone cultural resource investigations and where appropriate, measures are included to avoid impacts to archaeological resources, as described in Section 4.5, *Cultural Resources*. Therefore, the CVSP is consistent with Historic, Archaeological and Cultural Resources Policy #8.

Policy #10: Heritage Trees should be maintained and protected in a healthy state.

Consistency: The CVSP Development Area contains trees that may be candidates for the City's Heritage Tree list. Protection of these trees would be considered once specific development projects are proposed. For this reason, the project is consistent with Historic, Archaeological and Cultural Resources Policy #10.

3.1.3.14 *Parks and Recreation Policies*

Policy #1: The City should consider as an objective the provision of a neighborhood or community park within reasonable walking distance for each resident. That portion of a citywide or regional park which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.

Consistency: New residential development proposed in the project area would be subject to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) and would be required to meet additional requirements for accessibility to existing or new parklands. The CVSP provides parklands in conformance with the PDO/PIO for the minimum parkland to residents ratio. To the extent that the amount of parklands proposed exceeds the 3.0 acres per 1,000 residents requirement, the CVSP developers and the City will enter into an appropriate agreement. Therefore, the project is consistent with Park and Recreation Policy #1.

Policy #3: Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees and visitors that will be generated by that development.

Consistency: The proposed CVSP project includes high-density residential land uses located adjacent to transit and some existing neighborhoods. When specific residential developments are proposed, they would be reviewed for conformance with the City's design guidelines and required to provide open space and recreation facilities and to integrate with surrounding uses and neighborhoods. The project, therefore, is consistent with Park and Recreation Policy #3.

3.1.3.15 *Scenic Routes Policy*

Policy #6: Development along designated Rural Scenic Corridors should preserve significant views of the Valley and mountains, especially in, or adjacent to, Coyote Valley, the Diablo Range, the Silver Creek Hills, the Santa Teresa Ridge and the Santa Cruz Mountains.

Consistency: According to the City's Scenic Routes and Trails Map, US 101 and Bailey Avenue are Rural Scenic Corridors within the Coyote Valley. While urban development is not proposed immediately along US 101 as part of the proposed CVSP project, development is proposed along Bailey Avenue. Views from both of these scenic corridors would be significantly impacted by the urban development of the proposed project which includes very dense and urban development in an area that is currently agricultural and primarily undeveloped. As described in Section 4.10, Visual and Aesthetics, it has been concluded that impacts to these scenic corridors would be significant and unavoidable. For this reason, the proposed project is inconsistent with Scenic Routes Policy #6.

3.1.3.16 *Trails and Pathways Policies*

Policy #1: The City should control land development along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor.

Consistency: The CVSP project includes the designation of land along both Coyote and relocated Fisher Creeks for urban development. Future development adjacent to these waterways would be subject to and reviewed for consistency with the Riparian Corridor Policy, and therefore, the project would be consistent with Trails and Pathways Policy #1.

Policy #2: When new development occurs adjacent to a designated Trails and Pathways Corridor, the City should encourage the developer to install and maintain the trail.

Consistency: The proposed CVSP project includes trails along relocated Fisher Creek and along the western side of Coyote Creek, and therefore, would be consistent with Trails and Pathways Policy #2.

3.1.3.17 *Woodlands, Grasslands, Chaparral and Scrub Policies*

Policy #5: The City should preserve and protect oak woodlands, and individual oak trees, to the greatest extent feasible.

Consistency: Oak woodlands and individual oak trees are located within the CVSP Development Area of the CVSP and may be removed or impacted as a result of implementation of the Plan. When specific development is proposed, it would be evaluated for consistency with this policy. Further, as described in Section 4.6, *Biological Resources*, the proposed project includes mitigation and avoidance measures to reduce impacts to the extent feasible. For these reasons, the project is consistent with Woodlands, Grasslands, Chaparral, and Scrub Policy #5.

Policy #8: Serpentine grassland, particularly those supporting sensitive serpentine bunchgrass communities of plant and animal species of concern, should be preserved and protected to the greatest extent feasible. When disturbance cannot be avoided, appropriate measures should be required to restore, or compensate for loss of serpentine bunchgrass communities or habitat of species of concern.

Consistency: Serpentine grassland is located in the northwestern portion of the CVSP Development Area. When specific development is proposed for that area, it would be evaluated for consistency with this policy. Further, as described in Section 4.6, *Biological Resources*, the proposed project includes mitigation and avoidance measures to reduce impacts to a less than significant level. For these reasons, the project is consistent with Woodlands, Grasslands, Chaparral, and Scrub Policy #8.

3.1.3.18 *Riparian Corridors and Upland Wetlands Policies*

Policy #1: Creeks and natural riparian corridors and upland wetlands should be preserved whenever possible.

Consistency: The proposed project includes the urban development of areas adjacent to creeks and natural riparian corridors. At the time specific development is proposed adjacent to these areas, they would be evaluated for consistency with this policy. The project includes mitigation and avoidance measures as described in Section 4.6, *Biological Resources* to reduce impacts to riparian areas. Therefore, the project is consistent with Riparian Corridors and Upland Wetlands Policy #1.

Policy #2: New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.

Consistency: All urban development that could occur under the CVSP would be consistent with the City's Riparian Corridor Policy Study. The proposed project is therefore consistent with Riparian Corridors and Upland Wetlands Policy #2.

Policy #3: New development within the Urban Service Area should be set back from the outside edge of riparian habitat (or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.

Consistency: The proposed CVSP project includes the urban development of areas along the Coyote and relocated Fisher Creek riparian corridors. When specific development is proposed, it would be reviewed to ensure conformance with the setback requirements included within the City's Riparian Corridor Policy Study. The project is therefore consistent with the Riparian Corridor and Upland Wetlands Policy #3.

Policy #4: New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.

Consistency: The proposed CVSP project includes the urban development of new highly urban land uses along the Coyote Creek and relocated Fisher Creek riparian corridors. When specific development is proposed, the design of lighting, landscaping and hazardous materials storage as part of the development would be reviewed for conformance with the requirements included within the City's Riparian Corridor Policy Study. The project is therefore consistent with the Riparian Corridor and Upland Wetlands Policy #4.

3.1.3.19 *Species of Concern Policies*

Policy #2: Habitat areas that support Species of Concern should be retained to the greatest extent feasible.

Consistency: As discussed in Section 4.6, *Biological Resources*, development within the CVSP Development Area would result in a loss of habitat for plant and animal Species of Special Concern. The proposed project includes mitigation for this impact that includes the provision of replacement habitat at ratios consistent with the requirements of the City of San José and various regulatory agencies, including the US Army Corps of Engineers (USACE) and the California Department of Fish and Game (CDFG). For this reason, the project is consistent with this policy.

3.1.3.20 *Urban Forest Policies*

Policy #2: Development projects should include the preservation of ordinance-size, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance-size or

other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

Consistency: All urban development under the CVSP would be designed to retain as many trees as feasible. All trees to be removed would be replaced at the ratios specified in Section 3.6, Biological Resources. The project is therefore consistent with Urban Forest Policy #2.

Policy #8: Where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape plantings should incorporate tree species native to the area to the greatest extent feasible.

Consistency: Landscaping included as part of the new development under the CVSP project would include the use of native tree species and plant materials to the extent feasible. The project is therefore consistent with Urban Forest Policy #8.

3.1.3.21 *Water Resources Policies*

Policy #2: Water resources should be utilized in a manner which does not deplete the supply of surface or groundwater, and efforts to conserve and reclaim water supplies, both local and imported, should be encouraged.

Consistency: The proposed CVSP project has been designed to reclaim surface and groundwater in the area to the extent possible, given the characteristics of the water resources within the CVSP area. Once specific development is proposed, it would be evaluated to ensure that efforts to conserve and reclaim water supplies would be implemented. For this reason, the project is consistent with Water Resources Policy #2.

Policy #4: The City should not permit urban development to occur in areas not served by a sanitary sewer system.

Consistency: Portions of the CVSP Development Area are not currently within the City's Urban Service Area and are therefore, not served by a sanitary sewer system. Once development is proposed for the Development Area and the area is included in the Urban Service Area, infrastructure and utilities, including sanitary sewer would be extended from the developed areas of the City in the north, to the CVSP Development Area. Until that occurs, the project is inconsistent with Water Resources Policy #4.

Policy #12: For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

Consistency: All urban development under the CVSP would minimize the potential for the degradation of water quality by the inclusion of both construction and post-construction features in their designs. These features are described in Section 4.8, *Hydrology and Water Quality*. Therefore, the CVSP is consistent with Water Resources Policy #12.

3.1.3.22 *Air Quality Policy*

Policy #1: The City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and State law.

Consistency: As described in Section 7.0, *Cumulative Impacts*, a cumulative air quality impacts analysis was completed for the proposed project which indicates that the project would result in significant unavoidable cumulative air quality impacts. Therefore, these impacts would be taken into consideration and any required mitigation measures would be imposed during the approval stage of the project, consistent with this policy. For this reason, the project is consistent with Air Quality Policy #1.

3.1.3.23 *Energy Policies*

Policy #1: The City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.

Consistency: The proposed CVSP project has been designed to promote the urban development of high-density residential and workplace uses adjacent to future in-valley fixed guideway BRT stops and a multi-modal Caltrain station proposed for the CVSP Development Area. Existing VTA bus routes would be utilized within the Development Area and may be expanded to accommodate future development and growth. Therefore, the project is consistent with Energy Policy #1.

Policy #4: The energy-efficiency of proposed new development should be considered when land use and development review decisions are made. The City's design techniques include provisions for solar access, for siting structures to maximize natural heating and cooling, and for landscaping to aid passive cooling protection from prevailing winds and maximum year-round solar access.

Consistency: Development that would occur under the CVSP would meet all existing requirements that pertain to energy efficiency. As described in Section 4.12, *Energy*, there are additional features that could be incorporated into the various developments that would increase energy efficiency. These features would be considered at the time specific development is proposed. Therefore, the project is consistent with Energy Policy #4.

Policy #7: The City should require low-pressure sodium vapor lighting for outdoor, unroofed areas in all new developments and encourage existing development to retrofit using low-pressure sodium vapor lighting.

Consistency: New development within the CVSP Development Area would be required to use low-pressure sodium vapor lighting. The project is therefore consistent with Energy Policy #7.

3.1.3.24 *Agricultural Lands and Prime Soils Policies*

Policy #1: Williamson Act contracts and other forms of property tax relief should be encouraged for agricultural lands in non-urban areas.

Consistency: Some properties within the CVSP area (which can be considered a non-urban area of the City) are currently under Williamson Act contracts. The proposed project would require the cancellation of these contracts for properties prior to development, as described in Section 4.1, *Land Use*. The urban development of these properties was envisioned in the City of San José's 2020 General Plan, however, the area is non-urban at this time. Therefore, the project is not technically consistent with Agricultural Lands and Prime Soils Policy #1.

Policy #4: Preservation of agricultural lands and prime soils in non-urban areas should be fostered in order to retain the aquifer recharge capacity of these lands.

Consistency: The proposed CVSP project would allow the development of prime farmlands in an area currently considered to be non-urban and would therefore, not allow the aquifer recharge capacity of these lands to be maintained. For this reason, the project is not consistent with Agricultural Lands and Prime Soils Policy #4.

3.1.3.25 *Hazards Policy*

Policy #1: Development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.

Consistency: Any hazard identified in this EIR would be avoided or mitigated prior to the implementation of the CVSP. Therefore, the proposed project is consistent with Hazards Policy #1.

3.1.3.26 *Soils and Geologic Conditions Policies*

Policy #6: Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

Consistency: Geologic investigations have been completed for the CVSP Development Area. The urban development that could occur as part of the CVSP project would comply with the recommendations of these investigations regarding the mitigation and avoidance of soils and geologic hazards. These recommendations are described in Section 4.7, *Geology*. Therefore, the CVSP is consistent with Soils and Geologic Conditions Policy #6.

Policy #9: Residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

Consistency: Phase II hazardous materials testing was completed for accessible agricultural properties within the CVSP Development Area. These investigations quantified the amount of pesticides and/or heavy metals that are present in the soils. Where such substances were found to be present in concentrations that exceed recommended standards for residences, measures were recommended (and are included in the project) to mitigate such hazards. These measures are described in Section 4.9, *Hazards & Hazardous Materials*. Therefore, the CVSP is consistent with Soils and Geologic Conditions Policy #9.

3.1.3.27 *Earthquakes Policies*

Policy #1: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

Consistency: At the time of development, proposed building construction would be reviewed for conformance with this policy. The CVSP project therefore is consistent with Earthquakes Policy #1.

Policy #3: The City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.

Consistency: As described in Section 4.7, *Geology*, the Shannon fault may traverse the valley. Therefore, the City Geologist has determined that additional fault exploration in conjunction with geotechnical studies would be required on individual parcels within the City of San José Potential Fault Hazard and Potentially Active Fault Zones (Cooper-Clark, 1974) prior to urban development. If the fault is discovered and considered active, no buildings would be sited within this seismic hazard zones. Therefore, the CVSP project is consistent with Earthquakes Policy #3.

3.1.3.28 *Flooding Policies*

Policy #1: New development should be designed to provide protection from potential impacts of flooding during the "1%" or "100-year" flood.

Consistency: As described in Section 4.8, *Hydrology and Water Quality*, the proposed project has been designed to provide protection from the 100-Year Flood. Therefore, the CVSP is consistent with Flooding Policy #1.

Policy #7: The City should require new urban development to provide adequate flood control retention facilities.

Consistency: Implementation of the CVSP would include sufficient on-site stormwater retention to meet the requirements of the Santa Clara Valley Pollution Prevention Program, of which the City of San José is a participant. Detention facilities are described in Section 2.7 of the project description and Section 4.8, *Hydrology and Water Quality*. Therefore, the CVSP is consistent with Flooding Policy #7.

3.1.3.29 *Noise Policies*

Policy #1: The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects.

Consistency: Based on the noise assessment prepared for the project (see Section 4.3, *Noise and Vibration*), development that would occur within the CVSP Development Area would comply with this policy. Therefore, the CVSP is consistent with Noise Policy #1.

3.1.1.30 *Hazardous Materials Policies*

Policy #1: The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

Consistency: At the time of urban development, proposed building construction would be reviewed for conformance with this policy. Therefore, the CVSP project is consistent with Hazardous Materials Policy #1

Policy #3: The City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

Consistency: When specific residential developments are proposed, soil and groundwater contamination analysis would be required as part of the review of the proposed development consistent with this Policy. The CVSP project is therefore consistent with Hazardous Materials Policy #3.

3.2 CITY OF SAN JOSÉ GREEN BUILDING POLICY

The City of San José's Council Policy (adopted June 19, 2001) on green building was developed to demonstrate the City's commitment to environmental, economic, and social stewardship, to yield cost savings to the City taxpayers through reduced operating costs, to provide healthy work environments for staff and visitors, and to contribute to the City's goals of protecting, conserving, and enhancing the region's environmental resources. All new City facilities are subject to the Green Building Policy. As stated in the policy: "The City of San José shall adopt Green Building Policy goals and incorporate green building principles and practices into the planning, design, construction, management, renovation, operations, and demolition of all City facilities that are constructed, owned, managed, or financed by the City." Additionally, on March 6, 2007, the City Council adopted a policy requiring that all new municipal buildings over 10,000 square feet should achieve the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver certification or higher.

Consistency: All new buildings in the CVSP Development Area would be required to use the Coyote Green Building Measures (as noted in Policy 41, and Appendix 14 of the Initial Draft CVSP). New buildings should incorporate sustainability measures including: passive solar orientation, energy efficient heating and cooling systems, renewable and recycled materials, and energy efficient appliances, plumbing fixtures and lighting. For these reasons, the project would be consistent with the Green Building Policy.

3.3 CITY OF SAN JOSÉ CITY COUNCIL'S PRESERVATION OF HISTORIC LANDMARKS POLICY

The City of San José City Council's Preservation of Historic Landmarks Policy (adopted December 8, 1998) strongly encourages preservation and adaptive reuse of designated landmark structures, which include: any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, a structure designated on the State of California Register of Historic Places, the National Register of Historic Places, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above, based on the applicable City, State, or national qualification criteria. This policy does not apply to single family residential structures. The policy requires that proposals to alter such structures must include a thorough and comprehensive evaluation of the historic and architectural significance of the structure and the economic and structural

feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate existing landmark structures into future development plans.

Consistency: A Historic Resources Assessment was prepared for the proposed project and determined that structures potentially eligible for listing in the National and California Registers of Historical Resources and as San José Historic Landmarks are located within the CVSP Development Area (refer to Section 4.5, *Cultural Resources*). Demolition of these structures is not included in the proposed CVSP project. Therefore, the proposed project is consistent with the City's Preservation of Historic Landmarks Council Policy.

3.4 BAY AREA 2005 OZONE STRATEGY

The Bay Area Air Quality Management District (BAAQMD), in cooperation with the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), prepared the *Bay Area 2005 Ozone Strategy* which serves as a roadmap showing how the San Francisco Bay Area will achieve compliance with the state one-hour air quality standard for ozone as expeditiously as practicable, and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. The *Bay Area 2005 Ozone Strategy* updates Vehicle Miles Traveled (VMT) and other assumptions in the 2000 Clean Air Plan (CAP) related to the reduction of ozone in the atmosphere and serves as the current CAP for the Bay Area. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the Ozone Strategy which were based on ABAG *Projections 2002*.

The project would result in an amount and intensity of growth in the CVSP Development Area that is not foreseen in the current General Plan, and therefore was not included in the population projections used for the *2005 Ozone Strategy*. It should be noted that the proposed urban development would be served by transit and would also include commercial and workplace developments that would serve the project residential development, thereby internalizing vehicle trips within the valley. Further, to the extent that new housing reduces the need for people to seek housing outside the area, implementation of the CVSP could reduce emissions associated with lengthy home-to-work vehicle trips.

Consistency: The CVSP project proposes development of a minimum of 25,000 dwelling units that were not included in the City of San José's 2020 General Plan. Therefore, the proposed project is inconsistent with the population projections in the most recently adopted CAP and the *Bay Area 2005 Ozone Strategy*, which conflicts with Clean Air planning efforts.

3.5 SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

The Federal Clean Water Act requires local municipalities to implement measures to control construction and post-construction pollution entering local storm drainage systems to the maximum extent practicable. To comply with the requirements of the Federal Clean Water Act, the State Water Resources Control Board (SWRCB) implemented a National Pollution Discharge Elimination System (NPDES) permit for the Santa Clara Valley. Subsequent to implementation of the permit, the San Francisco Regional Water Quality Control Board (RWQCB) issued a Municipal Storm Water NPDES Permit to fifteen co-permittees. The fifteen co-permittees are the City of San José, twelve other municipalities within the Santa Clara Basin watershed area, the County of Santa Clara, and the

Santa Clara Valley Water District (SDVWD). Two programs, the Nonpoint Source Pollution Program and the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), have been implemented under the NPDES permit to regulate construction and post-construction runoff.

3.5.1 Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment of 1990. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by the RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- they disturb one or more acres of soil; or
- if they disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Consistency: The CVSP project has been designed to conform to City policies 6-29 and 8-14, which are consistent with SCVURPPP and the NPDES permit. All new development would include identified mitigation measures proposed to reduce water quality impacts in construction runoff. As the City continues to adopt increasingly stringent policies for minimizing stormwater runoff and improving water quality, it is foreseeable that the water quality impacts of future new development could be further reduced. For a detailed discussion of this issue, please see Section 4.8, *Hydrology and Water Quality*.

3.5.2 Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed by the RWQCB to assist co-permittees in implementing the provisions of the NPDES permit. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop NPDES application requirements for storm water runoff. The Program's Municipal NPDES storm water permit includes provisions requiring regulation of storm water discharges associated with new development and development of an area-wide watershed management strategy. The permit also identifies recommended actions for the preservation, restoration, and enhancement of the San Francisco Bay Delta Estuary.

Consistency: The CVSP project has been designed to conform to the requirements of the SCVURPPP. All new development would include mitigation measures to reduce water quality impacts post-construction. As the City continues to adopt increasingly stringent policies for minimizing stormwater runoff and improving water quality, it is foreseeable that the water quality impacts of future new development could be further reduced. For a detailed discussion of this issue, please see Section 4.8, *Hydrology and Water Quality*.

3.6 SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County *Congestion Management Program* (CMP), last updated in December 2001. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element. The Santa Clara County CMP includes subregional roadways within San José that are identified as CMP road facilities.

Consistency: Consistent with CMP policies, the traffic analysis prepared for the project discusses impacts to the regional roadway system. The proposed project would significantly impact a number of CMP facilities, as described in Section 4.2, *Transportation and Traffic*. A CVSP Deficiency Plan would be prepared for all CMP facilities impacted within the City of San José, as required by the CMP, and as described in Section 2.12 of the Project Description.

3.7 CITY OF MORGAN HILL GENERAL PLAN

As shown on Figure 1.0-3, the Coyote Greenbelt within the CVSP project area is bounded to the south by the City of Morgan Hill sphere of influence. The City of Morgan Hill's General Plan specifies that maintaining a physical separation from San José has long been important to the city's residents.

3.7.1 General Plan Policies⁴

The City of Morgan Hill General Plan contains numerous policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The CVSP project area is not within the jurisdictional boundaries of the City of Morgan Hill, rather the Coyote Valley Greenbelt's southern border is bounded by the City of Morgan Hill's Sphere of Influence. The following discussion focuses on those policies that are most relevant to the adoption of the CVSP.

3.7.1.1 *Greenbelt Policies*

Policy #2c: Greenbelt should define the urban area of Morgan Hill from adjacent cities. The northern and southern boundaries of the city shall be defined by greenbelts to maintain community identity.

Consistency: The Coyote Valley Greenbelt, as shown on Figure 1.0-3 (between Palm Avenue and Morgan Hill and on the east side of Coyote Creek, extending to Highway 101 between Metcalf Road in the north and Morgan Hill), will remain as a permanent non-urban buffer between San José and Morgan Hill. The implementation of a Greenbelt Strategy

⁴ As amended through August 2005.

would be done in accordance with existing City of San José, Santa Clara County, and City of Morgan Hill General Plan land use policies and zoning regulations. Therefore, the project is consistent with this policy.

3.7.1.2 *Agriculture Policies*

Policy #3g: Continue to support the long-term maintenance of agricultural land uses and agriculture as an economic enterprise in South County, since it contributes to the local economy, helps delineate urban boundaries, and is productive use for land which is not immediately planned for urban development.

Consistency: The Coyote Valley Greenbelt, as shown on Figure 1.0-3 (between Palm Avenue and Morgan Hill and on the east side of Coyote Creek, extending to Highway 101 between Metcalf Road in the north and Morgan Hill), would remain as a permanent non-urban buffer between San José and Morgan Hill. The implementation of a Greenbelt Strategy would be done in accordance with existing City, County, and City of Morgan Hill General Plan land use policies and zoning regulations. Potential uses within the Greenbelt include the continuation and expansion of agricultural production. The project is consistent with this policy.

3.7.1.3 *Coyote Valley Development Policies*

Policy #3g: Work with San José and Santa Clara County to jointly develop a plan and specific measures for preserving a major greenbelt area between San José and Morgan Hill.

Consistency: The Coyote Valley Greenbelt, as shown on Figure 1.0-3 (between Palm Avenue and Morgan Hill and on the east side of Coyote Creek, extending to Highway 101 between Metcalf Road in the north and Morgan Hill), will remain as a permanent non-urban buffer between San José and Morgan Hill. The implementation of a Greenbelt Strategy would be done in accordance with existing City, County, and City of Morgan Hill General Plan land use policies and zoning regulations. Previous coordination between the County of Santa Clara, the City of Morgan Hill, and the City of San José include the *Draft Coyote Valley Greenbelt Implementation Challenges* (Santa Clara County Planning Office – December 2000) report. The report summarized major findings that arose from an informal interagency staff committee. The project is consistent with this policy.

3.8 COUNTY OF SANTA CLARA GENERAL PLAN

Approximately 2,900 acres of the CVSP project area are within unincorporated Santa Clara County, of which approximately 1,800 acres would be annexed into the City of San José as part of the project (primarily in mid-Coyote Valley). The South Coyote Greenbelt would remain in the County. As shown on figure 1.0-4, the Coyote Valley Urban Reserve and the Coyote Greenbelt make up the approximately 2,900 acres of unincorporated land within Coyote Valley. The City of San José's Urban Service Area as of February 2006 encompasses the North Coyote Campus Industrial area, while San José's Sphere of Influence includes all of the CVSP project area (North Coyote Campus Industrial area, the Coyote Valley Urban Reserve, and the Coyote Greenbelt).

3.8.1 General Plan Policies

The County of Santa Clara General Plan contains many policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The following discussion focuses on those policies that are most relevant to the adoption of the CVSP.

3.8.1.1 *Rural Unincorporated Area Policies*

Policy R-GD9: Special area plans should be developed and employed for rural unincorporated areas that require or would benefit from more detailed planning, policies, and implementation measures, such as: a) areas subject to critical development constraints, deficiencies, or other special circumstances which render individual development proposals difficult or infeasible to process and approve; b) joint planning for areas of mutual interest or concern to multiple jurisdictions, such as joint hillside development plans or inter-urban/greenbelt areas; c) designated areas of “critical environmental concern” as described under CEQA law, or areas likely to be adversely affected by cumulative development impacts; d) areas formally designated as historic or agricultural preserves; and e) areas designated for natural resource conservation, such as significant natural habitat areas, water supply watersheds, or scenic preservation areas.

Consistency: Approximately 2,900 acres of the CVSP project area is located in predominately rural Santa Clara County unincorporated lands. The CVSP would identify the location and intensity of land uses, and plan for infrastructure and community service needs within approximately 1,800 acres (the remainder will make up the Greenbelt) of unincorporated lands. The CVSP is based on a planning approach that is driven by the existing natural environment, such as water resources and hillsides. The project is consistent with this policy.

Policy R-RC57: Agriculture shall be encouraged and prime agriculture lands retained for their value to the overall economy and quality of life of Santa Clara County, including: a) local food production capability; b) productive use of lands not intended or suitable for urban development; and c) preservation of diminishing natural resource, prime agricultural soils.

Consistency: As shown on Figure 1.0-4, approximately half of the CVSP project area will be maintained as a Greenbelt between the City of San José and the City of Morgan Hill. The implementation of a Greenbelt Strategy would be done in accordance with existing City, County, and City of Morgan Hill General Plan land use policies and zoning regulations. Potential uses within the Greenbelt include the continuation and expansion of agricultural production. The project is consistent with this policy.

Policy R-RC59: Sizable remaining areas of agricultural lands shall be preserved in large parcels in order to: a) stabilize long term land use patterns; b) allow for long term agricultural investment; c) facilitate entry of individuals into agricultural livelihoods; and d) avoid introduction of incompatible residential or other development in agriculture areas.

Consistency: As shown on Figure 1.0-4, the North and Mid-Coyote Valley areas have been planned for urban development since 1961. The City of San José’s 2020 General Plan designates North Coyote Valley Campus Industrial area for industrial development to ensure a stable economic base and new jobs, and Mid-Coyote Valley Urban Reserve area for residential development. The City of San José 2020 General Plan also designates South Coyote Valley for a greenbelt to ensure a non-urban buffer between San José and Morgan Hill. Within the San José 2020 General Plan, the Greenbelt is an overlay designation that

allows a variety of base land uses including Agriculture. The CVSP would include a Greenbelt Strategy that would establish a framework to create and sustain a rural environment that among other aspects supports small-scale and agro-based industries and related activities. The project is consistent with this policy.

3.8.1.2 Countywide Policies

Policy C-GD 14: Future urban development in Coyote Valley should be planned to realize the potential it holds for improving the City of San José's existing jobs-housing imbalance and for the benefit to the county as a whole, including: a) development of industrial and commercial land uses in South San José prior to further housing development in order to alleviate commute hour traffic congestion along major north-south routes; b) reduced dependence on the automobile and increased use of public transit; c) an increased variety of housing opportunities; and d) opportunities for greenbelts.

Consistency: Currently (March 2007), the City of San José has more employed residents than jobs and is providing proportionately more housing than other Silicon Valley jurisdictions. Within Silicon Valley, this has in part contributed to A.M. commute hour traffic congestion in the north bound direction and P.M. commute hour traffic congestion in the south bound direction on major north-south routes. The CVSP would be an urban, pedestrian and transit-oriented mixed use community with a minimum of 50,000 industry-driving jobs and 25,000 housing units. As previously described, the number of dwelling units included in the Plan would not meet the demand for housing generated by 50,000 jobs. For this reason, the project would help to improve the overall jobs to housing imbalance within the City and alleviate commute hour traffic congestion along major north-south routes. The residential program of the CVSP includes some single-family detached homes, but is primarily characterized by more urban housing types including town-homes and low-rise, mid-rise, and high-rise condominiums and apartments. The Coyote Valley Greenbelt, as shown on Figure 1.0-3 (between Palm Avenue and Morgan Hill and on the east side of Coyote Creek, extending to Highway 101 between Metcalf Road in the north and Morgan Hill), would remain as a permanent non-urban buffer between San José and Morgan Hill. The project is consistent with this policy.

Policy C-GD 15: Land uses along public transit corridors in Coyote Valley should be of sufficient density and adequate design to encourage use of public transit and provide affordable housing.

Consistency: The CVSP would be an urban, pedestrian and transit-oriented mixed use community. The project would include a fixed guideway BRT system, which would be within approximately a 1,500 foot walk from the majority of residents, job centers, retail centers, the high school, both middle schools, the community center, and the library. The greatest intensity of residential development would be found in proximity to the transit network. The CVSP would include a minimum of 25,000 new housing units, of which 20% would be affordable housing (deed restricted, below market rate). The project is consistent with this policy.

Policy C-GD 16: An adequate mix of land uses should be available to employees and residents of Coyote Valley in order to minimize travel demand for goods and services outside the area.

Consistency: The CVSP would be in the form of a new community, with jobs, housing, commercial and community facilities, schools, parks, residential services, infrastructure, and

public transit. The project would be an urban, pedestrian and transit-oriented mixed use community. Therefore, the project is consistent with this policy.

Policy C-GD 17: Planning for Coyote Valley's future development should provide for the following in area of resource conservation: a) permanent preservation of hillsides in open space; b) retention of a greenbelt of non-urban uses and densities between San José and Morgan Hill; and c) protection of a scenic corridor adjacent to Highway 101.

Consistency: Coyote Valley is bounded by the Santa Cruz Mountains, Santa Teresa Hills, and Tulare Hill to the north and west. Along these boundaries, the 15% slope line defines the limit for urban development, and in most cases coincides with the City's Urban Service Area Boundary. The Coyote Valley Greenbelt, as shown on Figure 1.0-3 (between Palm Avenue and Morgan Hill and on the east side of Coyote Creek, extending to Highway 101 between Metcalf Road in the north and Morgan Hill), will remain as a permanent non-urban buffer between San José and Morgan Hill. No urban development is planned east of Highway 101 and urban encroachments into the Coyote Creek Riparian Corridor, which is directly west of Highway 101, would be limited. The project is consistent with this policy.

Policy C-GD 18: Anticipated impacts on the South County cities and other jurisdictions from development in Coyote Valley should be adequately mitigated to less than significant levels.

Consistency: The proposed project will offer to make a fair share contribution towards transportation mitigation measures identified in the DEIR for areas outside the City of San José. If the offer is accepted by other jurisdictions, the terms and conditions of the agreements would be appropriately recorded. The project is consistent with this policy.

3.9 SANTA CLARA COUNTY PARKS AND RECREATION DEPARTMENT COYOTE CREEK PARKWAY COUNTY PARK DRAFT INTEGRATED NATURAL RESOURCES MANAGEMENT AND MASTER PLAN

The Coyote Creek Parkway County Park extends from the base of Anderson Dam near Morgan Hill and continues to Hellyer County Park in San José. The Parkway runs adjacent and parallel to the east side of the CVSP Development Area, primarily within the Coyote Valley Urban Reserve. According to the County, the purpose of the Draft Integrated Natural Resources Management and Master Plan is to balance the long-term resource management of the Coyote Creek Parkway County Park corridor with its recreation use in a way that directly reflects the Mission and Vision of the Santa Clara County Parks and Recreation Department.

The Integrated Plan is a long-range planning document that integrates natural resource management strategies into the development and maintenance of recreation facilities for Coyote Creek Parkway. The Integrated Plan outlines how the Parkway can be managed, where public recreation may be developed, and how to most effectively enhance the habitat resources over the next twenty years. The Integrated Plan includes a public access and recreational facility plan for the Parkway, an existing trails enhancement plan for the Coyote Creek Multi-Use Trail, delineation of a Riparian Habitat Corridor, a natural resources management plan, opportunities for partnerships and long-term expansion priorities.

The Coyote Creek Parkway County Park Integrated Natural Resources Management and Master Plan was approved by the County Board of Supervisors on March 20, 2007. The Integrated Plan contains eight guidelines to direct the natural resources management and the public recreation components of

the plan. The following discussion focuses on those guidelines that are most relevant to the adoption of the CVSP.

Guideline #1 (Natural Resource Management): In cooperation with a variety of partner agencies and interest groups:

- The Parkway's creek, groundwater, and biological resources shall be managed and enhanced to encourage native bio-diversity, preserve resources, and protect habitats.
- Coyote Creek and its natural floodplain should be restored, to the greatest extent practical, to allow for stable hydro-geomorphic processes beneficial to the preservation of a sustainable riparian habitat corridor.
- Sufficient buffer areas between adjacent land uses and the riparian habitat corridor shall be provided to protect and preserve the Vision of the Parkway.
- Functioning habitat corridors that connect the Parkway with the surrounding hills and open spaces should be identified, established, and maintained.
- Collaboration efforts should occur to obtain adequate protection and funding for the initiation and long-term administration of natural resources management programs in the Parkway.

Consistency: The CVSP would include several policies relating to the Coyote Creek and the Coyote Creek County Parkway. Some of the policies are as follows: 1) generally contain urban development west of the public land ownership boundary, and no less than 100 feet west of the western edge of the Coyote Creek Riparian Corridor (defined by both top of bank or edge of any continuous riparian tree canopy, whichever is greater); 2) limit urban encroachment into the Coyote Creek Riparian Corridor to transportation and infrastructure facilities and require mitigation, such as a Stream Mitigation and Monitoring Plan (SMMP) as described in Section 4.6.4.1.; 3) allow non-urban encroachments into the Coyote Creek Riparian Corridor for bio-filtration, additional Coyote Creek County Park trails, flood control access, and recreational access and facility development in cooperation with the Santa Clara County Parks and Recreation Department and the Santa Clara Valley Water District; and 4) coordinate with Santa Clara County Parks and Recreation to identify sensitive environmental concerns and incorporate measures to protect the Coyote Creek County Park and minimize adverse impacts from the CVSP. The CVSP project is consistent with this policy.

Guideline #2 (Public Recreation): Existing recreational opportunities in the Parkway should be retained where feasible and balanced with resource conservation efforts. Emphasis should be placed upon day-use activities, with defined access points. Water-oriented outdoor recreational opportunities may be considered.

Consistency: The CVSP would include policies that aim to preserve and enhance the Coyote Creek County Park. Some of the policies are as follows: 1) Locate a new, multi-use trail along the west side of the Coyote Creek County Park in order to reduce impacts to the eastern side of the creek; 2) New trail connections across Coyote Creek should be avoided; and 3) Coordinate with County Parks and Recreation Department to provide appropriate access points to Coyote Creek County Park from the urban development.

In response to land use-related projects, the City of San José, County of Santa Clara, Valley Transportation Authority, Santa Clara Valley Water District, and Cities of Gilroy and Morgan Hill, initiated a collaborative process to prepare and implement a joint Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) to promote the recovery of endangered species while accommodating planned development and infrastructure. The Local Partners, in association with regulatory wildlife agencies, including the U.S Fish and Wildlife Service, California Department of Fish and Game, and National Marine Fisheries Service, are in the process of developing a long-range plan to protect and enhance ecological diversity and functions within more than 500,000 acres of southern Santa Clara County, including the Coyote Valley Specific Plan project area.

The HCP is being prepared in accordance with Section 10 of the Federal Endangered Species Act which is administered by the USFWS. The NCCP is being prepared in accordance with the California Natural Community Conservation Planning Act and the California Endangered Species Act which are administered by the Department of Fish and Game. As required by the California Natural Community Conservation Planning Act, a Planning Agreement was developed between the California Department of Fish and Game, USFWS and the Local Partners.

The Planning Agreement acknowledges that certain projects and activities that must comply with FESA and/or CESA and that may potentially conflict with the preliminary conservation objectives may be proposed within the Planning Area prior to completion of the HCP/NCCP. These projects are considered “Interim Projects” that are processed to: 1) ensure coordination regarding development, construction or other projects or activities approved or initiated in the Planning Area before completion of the Plan to help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat values; 2) facilitate CESA and FESA compliance for interim projects that require it; and 3) ensure that interim projects are not unduly delayed due to preparation of the Plan.

Consistency: The CVSP is specifically identified as an “Interim Project” in the Planning Agreement. As an Interim Project, the CVSP is allowed to proceed independently through the federal and state regulatory permit processes in advance of the HCP/NCCP planning process. CVSP remains subject to the FESA/NEPA and CESA/CEQA and other applicable environmental regulations. The Planning Agreement states that CVSP shall adequately compensate for all direct and indirect effects from the action, and will not preclude the development of a viable conservation strategy for the HCP/NCCP. The CVSP includes mitigation measures for its direct and indirect impacts. For these reasons, the CVSP project is consistent with the Santa Clara County HCP/NCCP.